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SERVICE DATE - JULY 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY & EASTERN RAILROAD, INC.–ABANDONMENT EXEMPTION–IN ELK
AND CAMERON COUNTIES, PA

Decided: July 21, 2004

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). On October 30, 2003, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), to negotiate an interim trail use/rail banking agreement with A&E for the described line. At the request of Cameron County and Elk County, the negotiating period was extended by decision served on April 12, 2004. The extension is scheduled to expire on July 27, 2004.

On July 12, 2004, and July 14, 2004, Elk County and Cameron County, respectively, filed requests to extend the NITU negotiating period for an additional 90 days, because they are unable to complete negotiations by July 27, 2004. In a response filed on July 20, 2004, A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987). Accordingly, the NITU negotiating period will be extended for an additional 90 days from July 27, 2004 (until October 25, 2004).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted for a period of 90 days (until October 25, 2004).

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary